

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE ASSOCIATES, *et al*;

Defendants.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE REALTY, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04362 (SMB)

Adv. Pro. No. 10-04400 (SMB)

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION  
IN LIMINE NUMBER 1 TO ADMIT THE TRIAL  
TESTIMONY OF FRANK DIPASCALI**

Upon consideration of the Trustee's Motion *in Limine* Number 1 To Admit the Trial Testimony of Frank DiPascali (the "Motion") dated October 14, 2020, ECF No. \_\_\_\_, filed by Irving H. Picard, as trustee ("Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff ("Madoff"), the Declaration of Seanna R. Brown in Support of the Motion dated October 14, 2020, ECF No. \_\_\_\_; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on \_\_\_\_ (the "Hearing"); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case; and for the reason set forth in the transcript of the Hearing on the Motion, **IT IS HEREBY:**

**ORDERED**, that the relief requested in the Motion is granted to the extent set forth herein; and it is further

**ORDERED**, that the criminal trial testimony of Frank DiPascali and the referenced criminal trial exhibits in *United States v. Bonventre*, No. 10-cr-228 (S.D.N.Y.), as presented in the Declaration of Seanna R. Brown in Support of the Motion as Exhibits 1, 2 and 9 through 23, are hereby admitted in the above-referenced adversary proceedings; and it is further

**ORDERED**, that the Court retains jurisdiction to enforce and implement the terms and provisions of this order.

Dated: \_\_\_\_, 2020  
New York, New York

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE